

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GENCO IMPORTING INC., d/b/a MANITOBA'S,

Plaintiff,

- against -

CITY OF NEW YORK, EMILY LLOYD, in her
capacity as Commissioner of the New York City
Department of Environmental Protection and as
Chairman of the New York City Environmental
Control Board, NEW YORK CITY DEPARTMENT
OF ENVIRONMENTAL PROTECTION, NEW
YORK CITY ENVIRONMENTAL CONTROL
BOARD,

Defendants.

**NOTICE OF MOTION
TO DISMISS**

07 CV 3560 (LAK)

(ECF Case)

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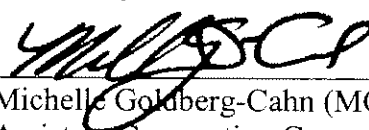
PLEASE TAKE NOTICE that upon the annexed Declaration of Michelle Goldberg-Cahn, dated June 21, 2007 and Defendants' Memorandum of Law in Support of their Motion to Dismiss, dated June 21, 2007, and upon the complaint and all prior proceedings herein, the undersigned will move this Court before the Honorable Lewis A. Kaplan at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York New York, as soon as counsel can be heard, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the complaint together with such other and further relief as the Court deems just, fair and equitable.

PLEASE TAKE FURTHER NOTICE, that in accordance with S.D.N.Y. Civil Rule 6.1(b), opposition papers must be served on the undersigned within ten (10) days after service of this motion. Failure to do so will result in this motion being granted as unopposed.

Dated: New York, New York
June 21, 2007

MICHAEL A. CARDOZO
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By:



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